

**REMARKS****Amendment to the Claims**

Claims 36, 37, 38, 48, 62, 63, 64 and 74 are canceled without prejudice. Entry of this amendment to the claims is respectfully requested, as it will require consideration of no new issues by the Examiner.

**Correction of Inventorship**

The Examiner is respectfully requested to change the inventorship of the present application to include the following two additional inventors: Susan Desmond-Hellmann and John G. Curd. This request is made pursuant to 37 C.F.R. § 1.48(a).

Accompanying this amendment are:

- A Request Under 37 C.F.R. § 1.48(a)(1);
- The statements required by 37 C.F.R. § 1.48(a)(2) for the two individuals being added as inventors; namely, Susan Desmond-Hellmann and John G. Curd;
- An executed declaration pursuant to 37 C.F.R. § 1.63 by each of the named inventors (i.e., Antonio J. Grillo-Lopez, Christine A. White, Susan Desmond-Hellmann and John G. Curd);
- Written consent of the assignee Biogen Idec, Inc. under 37 C.F.R. § 1.48(a)(5) to add Susan Desmond-Hellmann and John G. Curd as inventors; and
- The processing fee specified in 37 C.F.R. § 1.17(i).

Applicant believes the proposed change to the inventorship of this application is appropriately presented by this amendment under 37 C.F.R. § 1.312. See M.P.E.P. § 714.16, particularly, Example (D). Applicant believes the entry of this amendment is warranted as it will not entail substantial effort on the part of the Examiner, and is believed to not raise any new questions of patentability. Applicant is making this

request now because Applicant's representative determined, following receipt of the Notice of Allowance in this application, that Susan Desmond-Hellmann and John G. Curd made inventive contributions to the presently claimed subject matter. These inventive contributions are reflected, *inter alia*, in the document provided as Attachment A, which is a record of discussions between several of the inventors concerning clinical protocols to test the use of rituximab to treat CLL. The clinical testing of the claimed treatment methods developed by the inventors was subsequently conducted by two external investigators, Dr. Susan O'Brien of the M.D. Anderson Cancer Center of the University of Texas, and Dr. John Byrd of Johns Hopkins University and the Walter Reed Army Medical Center. These clinical investigators and their institutions were operating under agreements with Applicants which required them, *inter alia*, to maintain the confidentiality of any confidential subject matter provided to them by Applicants. Attachments B and C contain protocols used in and communications related to these two clinical investigations.

Applicant believes that the proposed amendment to the claims, and the materials presented related to the requested change of inventorship will not require significant effort or time by the Examiner to consider. Consequently, Applicant submits that this amendment under Rule 312 is proper and may be entered. Should the examiner have any remaining questions or concerns, she is invited to contact the undersigned at the telephone number below.

Respectfully submitted,

/Jeffrey P. Kushan/

Jeffrey P. Kushan, Reg. No. 43,401  
Attorney for Biogen Idec Inc.

November 10, 2009

SIDLEY AUSTIN LLP  
1501 K Street, N.W.  
Washington, DC 20005

tel. (202) 736-8914  
fax (202) 736-8711